IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION 1811 OF 2007

Smt. Ranjeet Kaur Anand .... Petitioner
Vs.
The State of Maharashtra & Ors. .... Respondents

Mr. Subhash Jha i/b M/s Law Global for Petitioner
Mr. V.B. Konde-Deshmukh, APP for Respondent nos. 1 to 4

CORAM : R.M.S. KHANDEPARKAR, &
SMT. V.K. TAHILRAMANI, JJ.
DATE : 24TH SEPTEMBER, 2007

P.C.

1) Heard.

2) This petition is filed by the petitioner seeking relief to quash the F.I.R. No. 360 of 2007 recorded on 9th July 2007 at M.I.D.C. Police Station, Mumbai, as also for initiating action against the Police authorities for allegedly launching false prosecution against the petitioner and further to compensate the petitioner.

3) Learned APP appearing in the matter at the outset drew our attention to the statement of the complainant dated 8th July 2007 which reveals that there was no complaint against the petitioner and the fact that the name of the petitioner was

wrongly recorded as accused no. 4 in the F.I.R.. He further submitted that as on today there is no complaint against the petitioner.

4) Learned Advocate for the Petitioner has submitted that at no point of time, it was disclosed to the petitioner that her name was not disclosed in the complaint. On the contrary, even when the petitioner had approached the learned Sessions Court for anticipatory bail, it was not disclosed to the Sessions Court that there is no complaint lodged against the Petitioner. In these circumstances, the Respondent should be ordered to explain on what basis they had included the name of the Petitioner in the F.I.R. and why she was compelled to file an application for anticipatory bail before the Sessions Court. Our attention was also drawn to the Notice dated 9th July 2007 stated to have been affixed on the residential place of the Petitioner disclosing that she was required as an accused under the said F.I.R..

5) Apparently the F.I.R. and notice dated 9th July 2007 disclose the name of the Petitioner as one of the accused persons. However, the statement of the complainant recorded by the Police does not disclose the name of the petitioner as an accused

person. Apparently the name of the petitioner was entered into the format of F.I.R. as well as notice dated 9th July 2007 by the Police authorities contrary to the statement of the complainant which did not disclose the name of the petitioner. Whether it was a mere mistake by oversight or it was done intentionally is a disputed question of fact and cannot be adjudicated in writ proceedings. The Petitioner, if aggrieved by the same has an alternative efficacious remedy and therefore question of entertaining the petition does not arise.

6) The learned APP makes a statement that the petitioner's name does not figure in the complaint filed by the complainant and at the moment as the petitioner is not disclosed as an accused connected with the offence alleged in the complaint, the question of quashing the impugned F.I.R. at the instance of petitioner does not arise and the Petition is therefore rejected.

(R.M.S. KHANDEPARKAR, J.)

(SMT. V.K. TAHILRAMANI, J.)